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Of Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

RYAN DOUGLAS CLARK,

Plaintiff,

v.

GRANTS PASS SCHOOL DISTRICT NO. 7, A public body; KIRK KOLB; An individual, in his capacity as Superintendent of Grants Pass School District No. 7; BARRET SALE, an individual in his capacity as Principal of South Middle School; and DOES 1 THROUGH 50, Inclusive

Defendants.

Case No. 1:21-cv-00872-CL

DEFENDANTS GRANTS PASS
SCHOOL DISTRICT, KIRK KOLB,
BARRET SALE'S ANSWER AND
AFFIRMATIVE DEFENSES

For their answer to plaintiff's Complaint, defendants Grants Pass School District ("GPSD"), Kirk Kolb and Barret Sale ("defendants") admit, deny and allege as follows:

1.

Admit.

2.

Admit that GPSD is a public body as defined by ORS 30.260 and has the legal status set forth at ORS 332.072.

3.

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Admit.

4.

Admit.

5.

Deny.

6.

Admit and deny as above.

7.

Admit jurisdiction is proper.

8.

Admit and deny as above.

9.

Admit venue is proper.

10.

Admit and deny as above.

11.

Admit.

12.

Lack sufficient knowledge to admit or deny.

13.

Lack sufficient knowledge to admit or deny.

14.

Lack sufficient knowledge to admit or deny.

15.

Lack sufficient knowledge to admit or deny.

16.

Lack sufficient knowledge to admit or deny.

17.

Lack sufficient knowledge to admit or deny.

18.

Lack sufficient knowledge to admit or deny.

19.

Lack sufficient knowledge to admit or deny.

20.

Lack sufficient knowledge to admit or deny.

21.

Lack sufficient knowledge to admit or deny.

22.

Lack sufficient knowledge to admit or deny.

23.

Lack sufficient knowledge to admit or deny.

24.

Admit.

25.

Lack sufficient knowledge to admit or deny.

26.

Admit plaintiff's colleagues have filed complaints.

27.

Lack sufficient knowledge to admit or deny.

28.

Admit that Principal Sale received a complaint from a teacher and conducted the investigation attached as Exhibit B.

29.

Admit Principal Sale acknowledged First Amendment rights and rights under the Oregon Constitution in Exhibit B.

30.

Admit that TSPC issued the letter attached as Exhibit C.

31.

Admit that Principal Sale issued the document attached as Exhibit B and that document speaks for itself.

32.

Admit plaintiff appealed Exhibit B, but deny the remainder of paragraph 32.

33.

Admit that Superintendent Kolb issued the letter to plaintiff attached as Exhibit D.

34.

Admit that Superintendent Kolb issued Exhibit D which speaks for itself.

35.

Deny.

36.

Deny.

37.

Admit that plaintiff's counsel sent Exhibit E to Superintendent Kolb, but deny the remainder of paragraph 37.

38.

Admit that plaintiff's counsel sent Exhibit F to Superintendent Kolb and Principal Sale.

39.

Deny.

40.

Except as specifically admitted above, defendants deny each and every allegation in plaintiff's Complaint and the whole thereof.

FIRST DEFENSE

(Failure to State a claim)

41.

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

(Qualified Immunity)

42.

Defendants Kolb and Sale are entitled to qualified immunity against plaintiff's claims arising under 42 U.S.C § 1983.

THIRD DEFENSE

(Legitimate Non-Discriminatory Reason)

43.

Defendants' actions were taken for legitimate, non-discriminatory reasons.

FOURTH DEFENSE

(Oregon Tort Claims Act)

44.

Defendants are entitled to the defenses, immunities, and limitations set forth in the Oregon Tort Claims Act against plaintiff's state law claims. Any damages in connection with any state law claim are limited by the caps on damages set forth in the Oregon Tort Claims Act.

WHEREFORE, having fully answered plaintiff's Complaint, defendants pray for judgment in their favor and for costs and disbursements and any and all relief as the Court may deem proper.

DATED: July 1, 2021.

VICKERS PLASS LLC

s/ Karen M. Vickers

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